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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,807	11/03/2003	Timothy K. Ford	56216-701USPT	4436
58687 7590 12/30/2009 DUBOIS, BRYANT, CAMPBELL & SCHWARTZ, LLP 700 LAVACA STREET SUITE 1300 AUSTIN, TX 78701				
EXAMINER				
VIG, NARESH				
ART UNIT		PAPER NUMBER		
3629				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/699,807

**Applicant(s)**

FORD ET AL.

**Examiner**

NARESH VIG

**Art Unit**

3629

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-80 and 88 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-80 and 88 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is in reference to communication received 11 September 2009. Claims 1 – 80 and 88 are pending for examination.

### ***Response to Arguments***

Applicant's arguments and concerns are for amended claims which have been responded to in response to pending amended claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 80 and 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Broerman US Patent 6,594,633 in view of Raveis US Patent 6,321,202 and Liss US Publication 2002/0095346.

Regarding claims 1, 42, 80 and 88, Broerman teaches system and method for a comprehensive real estate transaction management. Broerman teaches concept for:

entering information relating to a property involved in a real estate transaction into a multiple listing system (MLS) [Broerman, Fig. 3 and disclosure associated with the Figure]

monitoring the progress of said real estate transaction through a network connected to said multiple listing system [Broerman, Fig. 10 and disclosure associated with the Figure]

managing the closing of said real estate transaction over said network [Broerman, Fig. 10 and disclosure associated with the Figure]

Broerman does not explicitly recite managing the post-closing activities related to said real estate transaction. However, Broerman teaches concept for post transaction monitoring. Raveis teaches concept managing the post-closing activities related to said real estate transaction [Raveis, Fig. 10 and disclosure associated with the Figure].

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Broerman by adopting teachings of Raveis and manage the post-closing activities related to said real estate transaction to generate revenue by providing leads to member vendors; apply a known technique to a known device (method, or product) ready for improvement to yield predictable results; known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

Broerman in view of Raveis and Liss does not explicitly recite sharing portion of collected fee with other parties in the transaction like a source providing entity or a lead

providing entity. However, it is old and known to one of ordinary skill in the art that **business like HomeGain.com received portion of the earned commission as a referral fee from the real estate agent when the agent closed a real estate transaction.** In addition, Liss teaches system and method of marketing real estate. Liss teaches "An agreement is provided between the venue operator and the supplier of goods or services to the real estate industry or the promoter to share revenues resulting from sales, rentals or services provided based on the information gathered through the data gathering means" [Liss 0011].

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Broerman in view of Raveis and Liss by adopting teachings of Liss and share revenue to have a cooperative marketing and referral system, apply a known technique to a known device (method, or product) ready for improvement to yield predictable results, known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations would have been predictable to one of ordinary skill in the art.

Broerman in view of Raveis and Liss teaches capability for:

- a real estate multiple-listing system;
- a system for managing real estate purchases;
- a system for managing real estate closings;
- a system for managing post-closing activities; and

accessing MLS, managing real estate purchases, managing real estate closings, and managing post-closing activities, through a network

managing the listing and sale of real estate wherein real estate agents have access to information relating to properties for sale within a defined geographic area;

providing access to said system over a network;

allowing participants in the sale of a property listed within said system to have access to said system over said network; and

allowing said participants to complete the tasks required to close said sale of said property over said network.

Regarding claims 2, 43, Broerman in view of Raveis and Liss teaches concept for providing to a participant in a real estate transaction access point to MLS, system for managing real estate purchases, system for managing real estate closings, system for managing post-closing activities.

Regarding claims 3 and 44, Broerman in view of Raveis and Liss teaches capability for accessing real estate-related vendor information.

Regarding claims 4 and 45, Broerman in view of Raveis and Liss teaches capability for inputting contact information of a participant or a potential participant in a real estate transaction.

Regarding claims 5 and 46, Broerman in view of Raveis and Liss teaches capability for electronically uploading real estate-related information.

Regarding claims 6 and 47, Broerman in view of Raveis and Liss teaches capability for electronically delivering real estate-related information to a participant or a potential participant in a real estate transaction.

Regarding claims 7 and 48, Broerman in view of Raveis and Liss teaches capability wherein at least a portion of said real estate-related information can be selected from the group consisting of referrals, vendor contacts, listings, county property records, tax records, representation agreements, offers, offer agreements, inspection reports, lending documents and closing documents.

Regarding claims 8 and 49, Broerman in view of Raveis and Liss teaches capability for accessing real estate-related documents through said network.

Regarding claims 9 and 50, Broerman in view of Raveis and Liss teaches capability for restricting access to real estate-related documents through a network to certain participants or potential participants in a real estate transaction.

Regarding claims 10 and 51, Broerman in view of Raveis and Liss teaches capability for modifying real estate-related documents through said network.

Regarding claims 11 and 52, Broerman in view of Raveis and Liss teaches capability wherein at least one of said real estate-related documents can be selected from the group consisting of listing agreements, agent representation agreements, offers, offer agreements, lending documents and closing documents.

Regarding claims 12 and 53, Broerman in view of Raveis and Liss teaches capability for electronically or digitally signing documents through said network.

Regarding claims 13 and 54, Broerman in view of Raveis and Liss teaches capability for notifying a participant or a potential participant in a real estate transaction when real estate-related documents are modified in a manner that affects said participant or potential participant. [Broerman, Fig. 10 and disclosure associated with the Figure]

Regarding claims 14 and 55, Broerman in view of Raveis and Liss teaches capability wherein said real estate-related documents can be selected from the group consisting of listing agreements, agent representation agreements, offers, offer agreements, lending documents and closing documents.

Regarding claims 15 and 56, Broerman in view of Raveis and Liss teaches capability for tracking, monitoring and logging the progress of a real estate transaction.



Regarding claims 16 and 57, Broerman in view of Raveis and Liss teaches capability for updating the status of the progress of a real estate transaction.

Regarding claims 17 and 58, Broerman in view of Raveis and Liss teaches capability for granting a participant or a potential participant in a real estate transaction access to a transaction activity log.

Regarding claims 18 and 59, Broerman in view of Raveis and Liss teaches capability for automatically notifying a participant or a potential participant in a real estate transaction when the status of the progress of said real estate transaction is updated.

Regarding claims 19 and 60, Broerman in view of Raveis and Liss teaches capability for ordering real estate-related services through said network.

Regarding claims 20 and 61, Broerman in view of Raveis and Liss teaches capability wherein said real estate multiple-listing system can provide a method for agents to communicate with potential buyers.

Regarding claims 21 and 62, Broerman in view of Raveis and Liss teaches capability for creating a private webpage for a buyer or a seller.

Regarding claims 22 and 63, Broerman in view of Raveis and Liss teaches capability for posting information to a buyer or seller's private webpage.

Regarding claims 23 and 64, Broerman in view of Raveis and Liss teaches capability for automatically notifying a buyer, a seller, or an agent when information is posted to a buyer or a seller's private webpage.

Regarding claims 24 and 65, Broerman in view of Raveis and Liss teaches capability for a seller and an agent to interact through electronic communication while viewing information posted on said seller's private webpage.

Regarding claims 25 and 66, Broerman in view of Raveis and Liss teaches capability for a buyer and an agent to interact through electronic communication while viewing information posted on said buyer's private webpage.

Regarding claims 26 and 67, Broerman in view of Raveis and Liss teaches capability for an agent to conduct a comparable market analysis of a seller's or a potential seller's real estate.

Regarding claims 27 and 68, Broerman in view of Raveis and Liss teaches capability for a buyer to contact referrers, lenders etc.

Regarding claims 28 and 69, Broerman in view of Raveis and Liss teaches capability for a buyer to apply for loans through said network.

Regarding claims 29 and 70, Broerman in view of Raveis and Liss teaches capability for searching MLS and county records for property address and county tax data.

Regarding claims 30 and 71, Broerman in view of Raveis and Liss teaches capability for obtaining property addresses and county tax data.

Regarding claims 31 and 72, Broerman in view of Raveis and Liss teaches capability for an agent to define and save search criteria from a buyer's contact information.

Regarding claims 32 and 73, Broerman in view of Raveis and Liss teaches capability for an agent to identify properties that match a buyer's real estate selection criteria.

Regarding claims 33 and 74, Broerman in view of Raveis and Liss teaches capability for routine automated searches for property that match a buyer's real estate selection criteria.

Regarding claims 34 and 75, Broerman in view of Raveis and Liss teaches capability for the automated posting of real estate-related information to a buyer or a seller's private webpage.

Regarding claims 35 and 76, Broerman in view of Raveis and Liss teaches capability for a buyer, a seller and their respective agents to access real estate-related documents through said network.

Regarding claims 36 and 77, Broerman in view of Raveis and Liss teaches capability for a buyer, a seller and their respective agents to interact through electronic communication while accessing real estate-related documents through said network.

Regarding claim 37, Broerman in view of Raveis and Liss teaches capability for automatically notifying a buyer, a seller, and their respective agents of electronic communication by said buyer, said seller or said agents.

Regarding claims 38 and 78, Broerman in view of Raveis and Liss teaches capability for acquiring electronic copies of title closing documents from a title provider through said network.

Regarding claims 39 and 79, Broerman in view of Raveis and Liss teaches capability for acquiring electronic copies of lender closing documents from a lender through said network.

Regarding claim 40, Broerman in view of Raveis and Liss teaches capability wherein real estate multiple-listing system can provide a method for providing information related to closed transactions to secondary mortgage lenders through said network.

Regarding claim 41, Broerman in view of Raveis and Liss teaches capability for wherein at least a portion of the network can selected from the group consisting of the Internet, an intranet, a wireless network, a wide area network, a local area network and a point-to-point connection.

***Conclusion***

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on **Mon-Thu 7:00 - 5:30**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 19, 2009

/Naresh Vig/  
Primary Examiner, Art Unit 3629